



Senate

General Assembly

January Session, 2001

File No. 115

Senate Bill No. 1353

Senate, April 3, 2001

The Committee on Insurance and Real Estate reported through SEN. BOZEK of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING REAL ESTATE APPRAISERS AND NONRESIDENT APPLICANTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-501 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) No person shall act as a real estate appraiser or provisional
4 appraiser or engage in the real estate appraisal business without the
5 appropriate certification, license, limited license or provisional license
6 issued by the commission, unless exempted by the provisions of
7 sections 20-500 to 20-528, inclusive, as amended by this act.

8 (b) No person licensed as a limited appraiser shall perform an
9 appraisal in connection with a federally related transaction, as defined
10 in FIRREA. Notwithstanding any provision of this chapter: (1) Limited
11 appraiser licenses and renewals of such limited appraiser licenses
12 issued pursuant to [the provisions of] this chapter shall expire no later

13 than September 30, 2006; [. No] and (2) no limited appraiser licenses
14 shall be issued or renewed on or after October 1, 2006.

15 (c) Notwithstanding any provision of this chapter: (1) Licenses and
16 renewals for licensed appraisers issued pursuant to this chapter shall
17 expire no later than September 30, 2003; and (2) no such license shall be
18 issued or renewed on or after October 1, 2003.

19 Sec. 2. Section 20-515 of the general statutes is repealed and the
20 following is substituted in lieu thereof:

21 (a) A [nonresident of this state] person who is licensed in another
22 state as a real estate appraiser may become a real estate appraiser in
23 this state by conforming to all of the provisions of sections 20-500 to
24 20-528, inclusive, as amended by this act. The commission shall
25 recognize a current, valid certification, license or provisional license, as
26 the case may be, issued to a currently practicing, competent real estate
27 appraiser by another state as satisfactorily qualifying such
28 [nonresident] appraiser for a certification, license or provisional
29 license, as the case may be, as a real estate appraiser under said
30 sections, provided: (1) The laws of the state [of] in which such
31 [nonresident] appraiser is [a resident require that applicants for
32 certifications, licenses or provisional licenses, as the case may be, as
33 real estate appraiser permit certifications, licenses or provisional
34 licenses to be issued to residents] licensed allow certifications, licenses
35 or provisional licenses, as the case may be, to be issued to a resident of
36 this state, without examination, who is certified, licensed or
37 provisionally licensed, as the case may be, under said sections [,
38 without examination] 20-500 to 20-528, inclusive, as amended by this
39 act, and (2) the certification, licensing and provisional licensing
40 requirements of the state [of] in which such [nonresident] appraiser is
41 a resident are substantially similar to [,] or higher than those of this
42 state, including establishment of competency by written examination
43 in the case of licensed and certified appraisers, and such appraiser has

44 no disciplinary proceeding or unresolved complaint pending against
45 such [nonresident] appraiser. If the applicant is [a resident of] licensed
46 in a state [which] that does not have such requirements, such applicant
47 shall be certified, licensed or provisionally licensed by a state in
48 accordance with Section 1116 of Title XI of FIRREA.

49 (b) Every [nonresident] applicant who is licensed in another state
50 shall file an irrevocable consent that suits and actions may be
51 commenced against such applicant in the proper court in any judicial
52 district of the state in which a cause of action may arise or in which the
53 plaintiff may reside, by the service of any process or pleading,
54 authorized by the laws of this state, on the [chairman] chairperson of
55 the commission, such consent stipulating and agreeing that such
56 service of such process or pleading shall be taken and held in all courts
57 to be as valid and binding as if service had been made upon such
58 applicant in this state. If any process or pleadings mentioned in this
59 chapter are served upon the [chairman] chairperson of the
60 commission, it shall be by duplicate copies, one of which shall be filed
61 in the office of the commission, and the other immediately forwarded
62 by registered or certified mail, to the applicant against whom such
63 process or pleadings are directed, at the last-known address of such
64 applicant as shown by the records of the commission. No default in
65 any such proceedings or action shall be taken unless it appears by
66 affidavit of the [chairman] chairperson of the commission that a copy
67 of the process or pleading was mailed to the defendant as required in
68 this subsection, and no judgment by default shall be taken in any such
69 action or proceeding within twenty days after the date of mailing of
70 such process or pleading to the [nonresident] out-of-state defendant.

71 (c) The Commissioner of Consumer Protection, with the advice and
72 assistance of the commission, pursuant to Section 1122(a) of Title XI of
73 FIRREA, shall adopt [such reasonable] regulations, in accordance with
74 chapter 54, as the commissioner deems necessary to effectuate
75 certification, licensing and provisional licensing of [nonresident]

76 persons who are licensed in other states as appraisers. Such
77 certification, licensing and provisional licensing shall be recognized on
78 a temporary basis in this state. The fee for a temporary certification,
79 license or provisional license shall be one hundred dollars. The
80 temporary certification, license or provisional license shall be effective
81 for one hundred eighty days from issuance and may be extended for
82 one additional period not to exceed one hundred eighty days for no
83 additional fee.

84 Sec. 3. Section 20-317 of the general statutes is repealed and the
85 following is substituted in lieu thereof:

86 (a) A [nonresident of this state] person licensed in another state as a
87 real estate broker or salesperson may become a real estate broker or
88 real estate salesperson in this state by conforming to all of the
89 provisions of this chapter. The commission shall recognize a current,
90 valid license issued to a currently practicing, competent real estate
91 broker or real estate salesperson by another state as satisfactorily
92 qualifying [him] the broker or salesperson for a license as a real estate
93 broker or real estate salesperson under this chapter, provided (1) the
94 laws of the state [of] in which [he] the broker or salesperson is [a
95 resident] licensed require that applicants for licenses as real estate
96 brokers and real estate salespersons [shall] establish their competency
97 by written examinations and [permit] allow licenses to be issued to
98 residents of the state of Connecticut, licensed under this chapter,
99 without examination, (2) the licensure requirements of such state are
100 substantially similar to or higher than those of this state, and (3) [such]
101 the broker or salesperson has no disciplinary proceeding or unresolved
102 complaint pending against [him] the broker or salesperson. If the
103 applicant is [a resident of] licensed in a state [which] that does not
104 have such [requirement] requirements, such applicant shall be
105 required to pass the Connecticut portion of the real estate examination.

106 (b) Every [nonresident] applicant licensed in another state shall file

107 an irrevocable consent that suits and actions may be commenced
108 against such applicant in the proper court in any judicial district of the
109 state in which a cause of action may arise or in which the plaintiff may
110 reside, by the service of any process or pleading, authorized by the
111 laws of this state, on the [chairman] chairperson of the commission,
112 such consent stipulating and agreeing that such service of such process
113 or pleading shall be taken and held in all courts to be as valid and
114 binding as if service had been made upon such applicant in the state of
115 Connecticut. If any process or pleadings under this chapter are served
116 upon the [chairman] chairperson, it shall be by duplicate copies, one of
117 which shall be filed in the office of the commission, and the other
118 immediately forwarded by registered or certified mail, to the applicant
119 against whom such process or pleadings are directed, at the last-
120 known address of such applicant as shown by the records of the
121 commission. No default in any such proceedings or action shall be
122 taken unless it appears by affidavit of the [chairman] chairperson of
123 the commission that a copy of the process or pleading was mailed to
124 the defendant as required by this subsection, and no judgment by
125 default shall be taken in any such action or proceeding within twenty
126 days after the date of mailing of such process or pleading to the
127 [nonresident] out-of-state defendant.

INS *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Department of Consumer Protection

Municipal Impact: None

Explanation**State Impact:**

The bill eliminates the licensed real estate appraiser category on September 30, 2003. Currently, there are 37 individuals holding this license with an annual registration fee of \$225. A future minimal revenue loss may occur, however it is anticipated that most of these individuals will complete the necessary requirements to register as a certified real estate appraiser, thus no fiscal impact is expected. The bill makes changes to the reciprocal licensing provisions which has no fiscal impact.

OLR Bill Analysis

SB 1353

***AN ACT CONCERNING REAL ESTATE APPRAISERS AND
NONRESIDENT APPLICANTS.*****SUMMARY:**

On September 30, 2003, this bill eliminates the licensed appraiser category and prohibits the further issuing or renewing of the license after that date.

The bill eliminates the requirement that to continue to hold a reciprocal license you have to remain a nonresident and specifies that a person licensed in another state as a real estate appraiser, real estate broker or salesperson may be licensed in this state without examination on a reciprocal basis. It also makes technical changes.

EFFECTIVE DATE: October 1, 2001

BACKGROUND***Licensing Reciprocity***

The applicant's state of residence must (1) have licensing requirements substantially similar or higher than those of this state, (2) establish competency by written examination, and (3) allow licenses to be issued to residents of this state without examination. An applicant for a reciprocal license may not have any disciplinary proceeding or unresolved complaint pending against him.

COMMITTEE ACTION

Insurance and Real Estate Committee

Joint Favorable Report

Yea 18 Nay 0

